

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL PIZZUTI,

Petitioner,

-versus-

UNITED STATES OF AMERICA,

Respondent.

10 Civ. 199 (LAP) (HBP)
02 Cr. 1237 (LAP) (HBP)

JOSEPH GENUA,

Petitioner,

-versus-

UNITED STATES OF AMERICA,

Respondent.

10 Civ. 1003 (LAP) (HBP)
02 Cr. 1237 (LAP) (HBP)

ANGELO DIPIETRO

Petitioner,

-versus-

UNITED STATES OF AMERICA,

Respondent.

10 Civ. 2585 (LAP) (HBP)
02 Cr. 1237 (LAP) (HBP)

ORDER ADOPTING REPORT AND RECOMMENDATION

LORETTA A. PRESKA, SENIOR UNITED STATES DISTRICT JUDGE:

On September 30, 2019, U.S. Magistrate Judge Henry Pitman issued a Report and Recommendation (dkt. no. 133) recommending that the Court deny (i) the consolidated petitions for writs of habeas corpus filed by Michael Pizzuti, Joseph Genua, and Angelo DiPietro, and (ii) the motions for new trials under Federal Rule of Criminal Procedure 33(b)(1) filed by Mr. Pizzuti and Mr.

DiPietro. (See dkt. no. 1 in 10 Civ. 199; dkt. no. 1 in 10 Civ. 1003; dkt. no. 1 in 10 Civ. 2585; dkt. no. 259 in 02 Cr. 1237; dkt. no. 262 in 02 Cr. 1237.) In the Report and Recommendation, Magistrate Judge Pitman advised the parties that they had fourteen days to file written objections, and no such objections have been filed. On January 21, 2020, Mr. DiPietro moved to withdraw his habeas petition, and the Court granted that motion on January 28, 2020. (Dkt. no. 140.)

When no party objects to a report and recommendation, "the district court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed the record and the Report and Recommendation for clear error and, finding none, adopts Magistrate Judge Pitman's Report and Recommendation in its entirety as the Court's opinion.

Accordingly, the petitions for writs of habeas corpus and motions for new trials are DENIED. The Clerk of the Court is directed to mark these actions closed and all pending motions denied as moot.

SO ORDERED.

Dated: September 11, 2020
New York, New York

/s/ Loretta A. Preska
LORETTA A. PRESKA, U.S.D.J.